

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

William Lester Summers,

Petitioner,

Case No. 08-14100

v.

Hon. Nancy G. Edmunds

Debra L. Scutt,

Respondent.

ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

This matter has come before the Court on the Magistrate Judge's Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including Petitioner's Objections if any, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. It is further ordered that Petitioner's application for writ of habeas corpus is not barred by the one year statute of limitations contained in 28 U.S.C. § 2244(d), Respondent's motion for summary judgment is DENIED, and Respondent is hereby ordered to file an answer addressing the merits of Petitioner's claim.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 22, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 22, 2009, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager